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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR99-294 MJP
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 TIMOTHY PAUL SABALA,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on June 8, 2007. The United States was represented by AUSA Douglas B. Whalley and the
16 defendant by Lee A. Covell. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about February 28, 2001 by the Honorable Barbara
18 Jacobs Rothstein on charges of Conspiracy to Import and Distribute Marijuana and Conspiracy
19 to Engage in Money Laundering, and sentenced to 15 months custody, 5 years supervised release.

20 The conditions of supervised release included the standard conditions plus the requirements
21 that defendant submit to search, participate in drug treatment, abstain from alcohol, provide access
22 to financial information, participate in a mental health program, and not associate with any known

01 gang members. (Dkt.132.)

02 On May 25, 2004, defendant's probation officer reported that defendant was believed to
03 have violated the conditions of supervision by committing the crime of driving while license
04 suspended. Defendant was ordered by the Bellingham Municipal Court to attend a driver's
05 education program and no further action was taken. (Dkt. 163.)

06 On March 7, 2005, defendant's probation officer reported that defendant tested
07 positive for cocaine. Defendant was reprimanded, placed in a structured testing program, referred
08 for professional assessment, counseling and intensive outpatient treatment, and no further action
09 was taken at the time. (Dkt. 4.)

10 In an application dated May 18, 2007 (Dkt. 181), U.S. Probation Officer Jerrod
11 Akins alleged the following violations of the conditions of supervised release:

12 1. Associating with Jamie Barrett, a convicted felon, on or about May 11, 2007,
13 without the permission of the probation officer, in violation of standard condition No. 9.

14 2. Consuming alcohol on May 11, 2007, in violation of the special condition that he
15 abstain from the use of alcohol.

16 3. Having contact with Jeffory Fisher, a convicted felon, without the permission of
17 the probation officer, in violation of standard condition No. 9.

18 4. Having contact with Jade Thomas, a convicted felon, without the permission of the
19 probation officer, in violation of standard condition No. 9.

20 5. Failing to truthfully answer all inquiries of the probation officer on May 16, 2007,
21 in violation of standard condition No. 3.

01 Defendant was advised in full as to those charges and as to his constitutional rights.

02 Defendant admitted alleged violations 1, 2, 3 and 5, and waived any evidentiary hearing
03 as to whether they occurred. (Dkt. 184.) The government moved to dismiss violation 4.

04 I therefore recommend the Court find defendant violated his supervised release as alleged
05 in violations 1, 2, 3, and 5, and that the Court conduct a hearing limited to the issue of
06 disposition. I recommend that the Court dismiss violation 4. The next hearing will be set before
07 Judge Pechman.

08 Pending a final determination by the Court, defendant has been released on the conditions
09 of supervised release.

10 DATED this 8th day of June, 2007.

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13 Mary Alice Theiler
14 U.S. Magistrate Judge

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18 cc: District Judge: Honorable Marsha J. Pechman
19 AUSA: Douglas B. Whalley
20 Defendant's attorney: Lee A. Covell
21 Probation officer: Jerrod Akins
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